

July 8, 2003

Case No.: AUS920010763US1 (9000/74)

Serial No.: 10/007,215

Filed: November 5, 2001

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-- REMARKS --

The present amendment replies to a non-final Office Action dated April 12, 2003. Claims 1-20 are currently pending in the present application. No new matter has been introduced by the amendment of the claims.

As an initial matter, Applicants note that although the cover sheet of this office action indicates that claims 1-20 were rejected, no rejection was levied against claim 20.

Applicants wish to thank the Examiner for the interview with their counsel Paul M. Hletko on July 8, 2003. During that interview, counsel was informed that the Examiner intended to reject claim 20 in accord with the rejections under Gibboney in view of Carden. Although this rejection has not been officially levied against claim 20, Applicants respond as if claim 20 had been rejected in such fashion per the Examiner's request.

A. Claim 19 was rejected under 35 U.S.C 112 for failing to set forth the subject matter of the invention.

The rejection of claim 19 under 35 U.S.C 112 is traversed. The Examiner indicates that the multiple array including at least one laser and at least one photodetector is not disclosed. The specification of the instant application incorporates by reference U.S. Patent No. 5,499,311 at page 6, lines 11-13. That patent includes a multiple array including at least one laser and at least one photodetector at column 3, lines 45-65.

Furthermore, the instant application claims priority to, and incorporates by reference, U.S. Patent Application 09/956,771, now U.S. Publication No. 2003/0053768, which includes a multiple array including at least one laser and at least one photodetector at paragraphs 1-23. See, in particular paragraph 15. The incorporation by reference is found in the instant application on page 1, lines 6-9.

If the Examiner desires, Applicant will incorporate adequate supporting material from the materials incorporated by reference. Withdrawal of the rejection of claim 19 is requested.

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B. Claims 1, 5-7, 10 and 14-16 were rejected under 35 U.S.C. 103(a) as unpatentable over U.S. Patent No. 6,318,909 B1 to Gibboney.

The rejection of claims 1, 5-7, 10 and 14-16 under 103(a) is traversed. To sustain this 103(a) rejection, each and every limitation of the instant invention must be taught or suggested by the prior art. Because Gibboney does not teach or suggest each and every limitation, it cannot render the instant application unpatentable.

Gibboney does not teach or suggest "the upper fiber connector portion comprising a pair of rearward mounting screw holes and the lower fiber connector portion comprising a pair of forward mounting screw holes" as claimed in claims 1 and 10.

Gibboney teaches a three part connector connected by an aligning member that inserts into alignment holes. See Gibboney, column 6 at lines 26-41. Further, Gibboney does not teach or suggest, contrary to the Examiner's assertion, that the connector half is perpendicularly disposed to the die carrier, as is claimed in independent claims 1 and 10. As noted by the Examiner, Gibboney does not teach or suggest that the connector is an "input/output connector," as is claimed in independent claims 1 and 10.

Additionally, it is not possible to arrive at the instant invention by modifying the prior art invention. As noted in the instant invention, on page 7, lines 1-9, the instant invention provides a structure capable of "top down" assembly. Such a method is impractical with Gibboney's device, which uses the aligning members that are to be threaded through the alignment holes - see FIG. 1A of Gibboney. As can be seen in FIG 1A of Gibboney, top down assembly of the Gibboney packaging system is impractical, as the alignment members 62 and 63 would impact with the upper surface up the die carrier 22 and the upper surface of the fiber optic connector 64. The multiple pieces of the Gibboney device further frustrate an attempt to assemble the device in a top down fashion - where the instant device comprises multiple parts assembled into a single unit, the Gibboney device comprises multiple units. Thus, whereas the device mounting 22 and the cover assembly 52 of Gibboney (see column 4-5) are multiple units, the instant invention comprises multiple pieces (i.e. the upper connector and the lower portion) into a single unit. Thus, the instant invention cannot be rendered unpatentable by Gibboney.

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Indeed, there is no evidence in the record, other than an unsupported and conclusory assertion of obviousness, to support a finding of obviousness in this case. The Examiner has not pointed to any suggestion or motivation in the art, has not provided an Examiner's affidavit, and has not taken official notice of any facts that would be known to those of ordinary skill in the art. Without any evidence to support a prima facie case of obviousness, this rejection cannot stand.

Withdrawal of the rejections of claims 1, 5-7, 10 and 14-16 is requested.

C. Claims 2-4, 8-9, 11-13 and 17-19 were rejected under 35 U.S.C. 103(a) as unpatentable over U.S. Patent No. 6,318,909 B1 to Gibboney in view of U.S. Patent No. 5,202,943 to Carden et. al.

Claims 2-4 and 8-9 are dependent claims from independent claim 1, and as noted by the Examiner in the interview with Attorney Hlerko on July 8, 2003, these claims are allowable over the prior art for at least the same reasons as claim 1.

Claims 11-13 and 17-18 are dependent claims from independent claim 10, and as noted by the Examiner in the interview with Attorney Hlerko on July 8, 2003, these claims are allowable over the prior art for at least the same reasons as claim 10.

With respect to Claim 19 (and claim 20 as indicated by the Examiner in the interview), Gibboney in view of Carden cannot render the instant application unpatentable.

Gibboney in view of Carden does not teach or suggest "the upper fiber connector portion comprising a pair of rearward mounting screw holes and the lower fiber connector portion comprising a pair of forward mounting screw holes." Therefore, Gibboney in view of Carden cannot render the instant invention unpatentable.

Gibboney teaches a three part connector connected by an aligning member that inserts into alignment holes. See Gibboney, column 6 at lines 26-41. As noted by the Examiner, Gibboney does not teach or suggest that the connector is an "input/output connector," as is claimed in independent claim 19. Carden also teaches a connector utilizing an alignment member.

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Additionally, it is not possible to arrive at the instant invention by modifying the prior art invention. As noted in the instant invention, on page 7, lines 1 - 9, the instant invention provides a structure capable of "top down" assembly. Such a method is impractical with the device of Gibboney, which uses the aligning members which are to be threaded through the alignment holes - see FIG. 1A of Gibboney. As can be seen in FIG 1A of Gibboney, top down assembly of the Gibboney packaging system is impractical, as the alignment members 62 and 63 would impact with the upper surface up the die carrier 22 and the upper surface of the fiber optic connector 64. The multiple pieces of the Gibboney device further frustrate an attempt to assemble the device in a top down fashion - where the instant device comprises multiple parts assembled into a single unit, the Gibboney device comprises multiple units. Thus, whereas the device mounting 22 and the cover assembly 52 of Gibboney (see column 4-5) are multiple units, the instant invention comprises multiple pieces (i.e. the upper connector and the lower portion) into a single unit. Thus, the instant invention cannot be rendered unpatentable by Gibboney.

Top down assembly is also impractical with the Carden device for similar reasons. The Carden device also comprises the use of alignment members that would frustrate any attempt to top down assemble the device. See alignment member 110 of Carden, in conjunction with the alignment channel 111, in column 8, lines 3-57.

Indeed, there is no evidence in the record, other than an unsupported and conclusory assertion of obviousness, to support a finding of obviousness in this case. The Examiner has not pointed to any suggestion or motivation in the art, has not provided an Examiner's affidavit, and has not taken official notice of any facts that would be known to those of ordinary skill in the art. Without any evidence to support a prima facie case of obviousness, this rejection cannot stand.

Withdrawal of the rejections to Claims 2-4, 8-9, 11-13 and 17-20 is requested.

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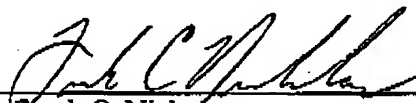
SUMMARY

Applicants submit that claims 1-20, as amended, fully satisfy 35 U.S.C. §§ 101, 102, 103, and 112. In view of the foregoing remarks, favorable consideration and early passage to issue of the present application are respectfully requested.

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Respectfully submitted,
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